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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/715,921	11/17/2003	Takahiro Kawashima	393032042000	4231

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EXAMINER

FLETCHER, MARLON T

ART UNIT	PAPER NUMBER
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2837

DATE MAILED: 06/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/715,921

Applicant(s)

KAWASHIMA, TAKAHIRO

Examiner

Marlon T. Fletcher

Art Unit

2837

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1,2,5-9,11,12,14,16 and 17 is/are rejected.
- 7) ☒ Claim(s) 3,4,10,13 and 15 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. ____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Objections

1. Claim 1 is objected to because of the following informalities: The word voice is misspelled "vice" in line 21. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1, 2, 5-9, 11,12, 16, and 17, are rejected under 35 U.S.C. 102(b) as being anticipated by Ohta et al. (5,747,715).

Ohta et al. discloses an apparatus for reproducing a music sound and a voice sound, comprising: a first storing section that stores a music data file containing a music part and a voice part, the music part containing a sequence of music generation events effective to instruct generation of the music sound, the voice part containing voice reproduction sequence data composed of a combination of voice reproduction event data and duration data, the voice reproduction event data instructing reproduction of a sequence of voice events, the duration data specifying a timing of effecting a voice event in terms of a duration time measured from another voice event preceding to the voice event (Figure 3,; column 3, lines 6-20; column 5, lines 6-31; and column 8, lines 9-35); a control section (CPU (1)) that reads out the music data file

from the first storing section; and a sound generator section that operates based on the music part contained in the read music data file for generating the music sound representative of the sequence of the music events, and that operates based on the voice part contained in the read music data file for generating the voice sound representative of the sequence of the voice events, thereby mixing sound, and outputting the music sound and the voice sound (column 3, lines 20-38; and figures 1, 6A, and 6B).

Ohta et al. disclose the apparatus, wherein the voice reproduction sequence data contains formant control information for generating formants of the voice sound, and the voice reproduction event data contained in the voice part of the read music data file instructs reproduction of the formant control information, so that the sound generator section operates based on the formant control information which is contained in the voice reproduction sequence data and which is specified by the voice reproduction event data for generating the voice sound (column 3, line 20 through column 4, line 53).

Ohta et al. disclose the apparatus, wherein the first storing section stores the music data file containing the voice part of a first format type, the sound generator section is operable based on the voice part of a second format type for generating the voice sound. and the control section detects a format type of the voice part read from the first storing section and operates if the detected first format type of the voice part is not compatible with the second format type for converting the read voice part from the first format type to the second format type thereby enabling the sound generator section

(column 3, line 55 through column 4, line 34; and column 7, lines 13 through column 8, line 23).

Ohta et al. disclose the apparatus, further comprising a second storing section that stores dictionary data required for conversion of the format type of the voice part of the music data file, so that the control section refers to the dictionary data stored in the second storing section for effecting the conversion of the format the of the voice part (column 6, lines 4-13; and column 13, lines 15-24).

Ohta et al. disclose the apparatus, wherein the voice part of the music data file contains data specifying a kind of language of the voice part (column 5, lines 33-48).

Ohta et al. disclose the apparatus, wherein the sound generator section operates based on the voice part of the music data file for generating the voice sound representative of a human voice (column 3, lines 20-30).

Ohta et al. disclose a memory medium for storing voice reproduction sequence data designed for causing a sound generator device to reproduce a human voice, wherein the voice reproduction sequence data has a chunk structure composed of a content information chunk containing information for managing the voice reproduction sequence data and at least one track chunk containing voice sequence data (column 3, lines 55-67; and column 4, line 35 through column 5, line 5); and wherein the voice sequence data comprises a sequence of pairs of voice reproduction event data and duration data, the voice reproduction event data instructing a voice reproduction event of the human voice, the duration data specifying a timing of executing the voice

reproduction event in terms of a duration time measured from a preceding voice reproduction event (column 7, line 17 through column 8, line 8).

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ohta et al. in view of Rabowsky et al. (5,680,512).

Ohta et al. are discussed above. Ohta et al. do not disclose transmitting the data.

However, Rabowsky et al. disclose an apparatus comprises a storing section and a transmitting section, wherein the storing section stores a music data file (figure 1) and the transmitting section distributes the stored music data file to the terminal apparatus.

It would have been obvious to one of ordinary skill in the art at the time of the invention to utilize the teachings of Rabowsky et al. with the apparatus of Ohta et al. because it allows the user to share data over transmission lines; thereby transmitting voice and performance or melody to another user.

Allowable Subject Matter


6. Claims 3, 4, 10, 13, and 15, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marlon T. Fletcher whose telephone number is 571-272-2063. The examiner can normally be reached on M-w, F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lincoln Donovan can be reached on 571-272-1988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

MTF
06/10/2006


MARLON T. FLETCHER
PRIMARY EXAMINER